

**Amendment No. 1 to SB0012**

**Person, Curtis**  
**Signature of Sponsor**

**FILED**

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 12\***

**House Bill No. 1253**

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 16, is amended by adding the following as a new Chapter 22:

**Section 16-22-101.** This chapter shall be known and may be cited as the “Drug Court Treatment Act of 2003”.

**Section 16-22-102.**

(a) The General Assembly recognizes that a critical need exists in this state for criminal justice system programs to reduce the incidence of drug use, drug addiction, and crimes committed as a result of drug use and drug addiction. It is the intent of the General Assembly by this chapter to create a program to facilitate the implementation of new and the continuation of existing drug court treatment programs.

(b) The goals of the drug court treatment programs created under this chapter include the following:

(1) Reduce the use of jail and prison beds and other correctional services by non-violent chemically dependent offenders by diverting them into rehabilitative programs;

(2) Reduce incidences of drug use and drug addiction among offenders;

(3) Reduce crimes committed as a result of drug use and addiction;

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(4) Promote public safety through these reductions;

(5) Increase the personal, familial, and societal accountability of offenders; and

(6) Promote effective interaction and the use of resources among local criminal justice agencies and community agencies.

**Section 16-22-103.** For purposes of this chapter:

(a) "Drug Court Treatment Program" means any Drug Court Treatment Program created within the state that follows the general principles referenced in § 16-22-104 and that is established by the judge of a court in Tennessee. A "Drug Court Treatment Program" shall have the same powers as the court that created it.

(b) "Chemically dependant" means a maladaptive pattern of substance use leading to clinically significant impairment or distress as manifested by two (2) or more of the pre-determinate symptoms occurring at any time in the same twelve (12) month period.

(c) "Non-adversarial approach" means that the district attorney general and the defense attorney work together for the benefit of the drug court treatment program participants and the program. Any disagreements are to be resolved prior to court, and not in front of the participants.

(d) "Violent offender" means a person who:

(1) Is charged with or convicted of an offense, during the course of which offense or conduct:

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(A) The person carried, possessed, or used a firearm or dangerous weapon;

(B) There occurred the death of or serious bodily injury to any person; or

(C) There occurred the use of force against the person of another, without regard to whether any of the circumstances described in subparagraph (A), (B), or (C) is an element of the offense or conduct of which or for which the person is charged or convicted; or

(2) Has one (1) or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.

**Section 16-22-104.** All Drug Court Treatment Programs in Tennessee shall be established and operate according to the following general principles as established by the National Association of Drug Court Professionals, Drug Court Standards Committee:

(a) Drug courts integrate alcohol and other drug treatment services with justice system case processing;

(b) Drug courts use a non-adversarial approach, prosecution and defense councils promote public safety while protecting participants' due process rights;

(c) Drug courts identify eligible participants early and promptly place them in the drug court program;

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(d) Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services;

(e) Drug courts monitor abstinence by frequent alcohol and other drug testing;

(f) Drug courts use a coordinated strategy to govern responses to participants' compliance;

(g) Drug courts use ongoing judicial interaction with each drug court participant as an essential component of the program;

(h) Drug courts utilize monitoring and evaluation to measure the achievement of program goals and gauge effectiveness;

(i) Drug courts employ continuing interdisciplinary education to promote effective drug court planning, implementation, and operations; and

(j) Drug courts forge partnerships among the court, public agencies, and community-based organizations to generate local support and enhance drug court effectiveness.

**Section 16-22-105.** This chapter enables the department of finance and administration, office of criminal justice programs to provide drug court treatment program administration for the purpose of:

(a) Defining, developing and gathering outcome measures for drug court treatment programs as relates to § 16-22-102;

(b) Collecting, reporting, and disseminating drug court treatment data;

(c) Supporting a state drug treatment "mentor" program;

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- (d) Sponsoring and coordinating state drug court treatment training; and
- (e) Awarding, administering, and evaluating state drug court treatment grants.

**Section 16-22-106.** Through the office of criminal justice programs, courts within the state of Tennessee may apply for drug court treatment program grant funds to:

- (a) Fund a full-time or part-time program director position;
- (b) Fund drug court treatment staff whose job duties are directly related to program operations;
- (c) Fund substance abuse treatment and other direct services for drug court treatment participants;
- (d) Fund drug testing;
- (e) Fund program costs directly related to program operations; and
- (f) Implement or continue drug court treatment program operations.

**Section 16-22-107.** Office of criminal justice program grant awards may not be:

- (a) Used to pay for wages not directly related to drug court treatment program operations;
- (b) Made to any court that does not meet the definition of a “drug court treatment program” as specified in § 16-22-103(a);
- (c) Used for construction or land acquisition;
- (d) Used to pay bonuses or commissions to any individuals or organizations; or
- (e) Used to form a corporation.

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**Section 16-22-108.**

(a) The commissioner shall establish an advisory committee, which shall review all program criteria adopted by the department and advise the commissioner relative to the allocation of funds under this part. The committee shall consist of five (5) members, one (1) of whom should be a drug court treatment program alumni. Three (3) of the committee members shall be appointed by the commissioner of the department with consent and approval of the governor. Two (2) of the advisory committee members shall be appointed by the Tennessee Association of Drug Court Professionals. Each committee member shall be selected for a four-year term and may be selected to serve successive terms. Committee members shall be reimbursed for their actual expenses in attending meetings, with travel expenses to be reimbursed in accordance with the provision of the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

**Section 16-22-109.**

(a) The clerks of all courts of general sessions, circuit and criminal courts and municipal courts exercising the jurisdiction of courts of general sessions, shall collect the sum of seventy-five dollars (\$75.00) from any person who:

- (1) Enters a plea of guilty;
- (2) Enters a plea of nolo contendere;
- (3) Is adjudicated at trial; or
- (4) Enters a plea pursuant to any of the diversionary sentencing

statutes to any criminal offense described below, or for attempt or

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conspiracy to commit any such offense, or for aiding, abetting, or acting in the capacity of an accessory in the commission of any such offense.

(b) The provisions of subsection (a) apply to any offense which includes as an element:

(1) The illegal use, possession, sale, delivery, transport, or manufacture of any controlled substance; or

(2) The possession of paraphernalia for the use, distribution, ingestion, or manufacture of such substance.

(c) The first five dollars (\$5.00) of each such assessment shall be paid to the clerks of the court imposing assessment, who shall transfer it to the state treasurer, who shall credit same to the general fund and earmark same for use by Tennessee department of finance and administration, office of criminal justice programs for funding drug court treatment program administration and funding such grant awards as are made by the Tennessee department of finance and administration, office of criminal justice programs. The remainder of such assessments shall be deposited by the clerk of the collecting court into a dedicated county fund. Such fund shall not revert to the county general fund at the end of the fiscal year but shall remain for the purposes set out in this section. Any such money shall be used by the county exclusively for the creation and maintenance of state drug court treatment programs as defined in §16-22-104. In the event no drug court treatment program operates in a county, the remainder of the funds from such county shall be remitted annually in full to the State of

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Tennessee to be placed in the "Drug Court Resources Fund" to be administered by the Tennessee department of finance and administration, office of the criminal justice programs in accordance with § 16-22-109.

**Section 16-22-110.** The assessment collected and remitted to the state of Tennessee shall be placed in a "Drug Court Treatment Program Resources Fund" for the purposes of funding drug court treatment program administration and the grant awards as provided in §§ 16-22-105 and 16-22-106. The office of criminal justice programs shall administer the money in the "Drug Court Treatment Program Resources Fund". Any unspent money shall not be transferred or placed to the credit of the general revenue fund of the state at the end of each year, but shall remain deposited to the credit of the "Drug Court Treatment Program Resources Fund" for future allocation.

**Section 16-22-111.** Nothing contained in this chapter shall confer a right or an expectation of a right to treatment for an offender within the criminal justice system.

**Section 16-22-112.** Nothing in this chapter shall be construed to limit the ability of any jurisdiction to create or maintain a Drug Court Treatment Program that adheres to the guidelines set forth in Section 16-22-104.

**Section 16-22-113.** Special courts such as D.U.I. courts, Dual Diagnosis courts, and Reentry courts may be considered as Drug Treatment Courts if they follow the guidelines set forth in Section 16-22-104.

**Section 16-22-114.** All program participants in the Drug Court Treatment Program must be:



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(a) Non-violent offenders, as defined in Section 2203, Title V of the  
“Violent Crime Control and Law Enforcement Act of 1994”, Public Law 103-322;

(b) Substance abusing and/or chemically dependant; and

(c) Willing to participate in a treatment program.

SECTION 2. This act shall take effect July 1, 2003, the public welfare requiring it.